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FILED

JUL 18 2012

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
PETER SIMMONS, D.C.	:	INTERIM CONSENT ORDER
License No. 38MC00484600	:	
	:	
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts and conclusions of law.

FINDINGS OF FACT

1. Respondent, Peter Simmons, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On September 1, 2011, Respondent submitted his most recent on-line application for the renewal of his license.

3. Respondent answered "No" to question #6 on his renewal application, which reads: "Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)"

4. Respondent's negative response to question #6 on September 1, 2011 was false and misleading in that he had been arrested on August 11, 2009, and subsequently convicted of operating a motor vehicle under the influence of liquor or drugs, but had not previously reported this offense to the board.

5. Respondent's August 11, 2009 offense was in fact the fourth occasion on which he had been convicted of operating a motor vehicle under the influence of liquor or drugs. However, on his 2009 and prior applications for the renewal of his license, Respondent had answered "Yes" to the question; thereby demonstrating that he understood the question and understood that he was required to answer it in the affirmative with regard to driving while impaired or intoxicated.

3. On May 24, 2012, Respondent appeared and testified under oath before the Board. He acknowledged being arrested on May 8, 2011, as a result of a dispute with his sister in which intoxication was a factor. Respondent stated that he had attended AA meetings in both Passaic and Essex counties to address his use of alcohol, and was an in-patient for five days at St. Clare's Hospital, 25 Pocono Road, Denville, N.J.

4. ~~When asked when he had his last drink, Respondent replied: "Last night."~~
When asked how many drinks he had, Respondent stated: "Too many." To conclude his testimony, Respondent stated that he would "go into counseling" if necessary to keep his license to practice chiropractic.

CONCLUSIONS OF LAW

1. The above findings of fact provide grounds for the suspension or revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(a), in that Respondent obtained the last renewal of his biennial registration through fraud, deception or misrepresentation by failing to disclose his 2009 DUI conviction.

2. The aforesaid findings of fact provide grounds, pursuant to N.J.S.A. 45:1-22(f), for the Board to order Respondent, as a condition of his continued licensure, to submit to any medical or diagnostic testing and monitoring or psychological evaluation which may be required to evaluate whether his continued practice may jeopardize the safety and welfare of the public.

ACCORDINGLY, IT IS on this 18th day of July, 2012

ORDERED AND AGREED that:

1. Respondent shall obtain, within ninety (90) days from the date of this Order, an assessment of his use of chemical substances and/or his chemical dependency, which may render him unable to practice chiropractic with reasonable skill and safety, by the Professional Assistance Program of New Jersey ("PAPNJ").

2. Respondent agrees to abide by the recommendations of the PAPNJ, which shall be set forth in a report of its assessment. Respondent further agrees to the release of the report to the Board, and waives his right of confidentiality in the report for that purpose and for the use of the report in any license proceeding. Respondent agrees to enter into a further consent order with the Board embodying the recommendations of

PAPNJ, if any, as a condition(s) of his continued licensure. Respondent shall be solely responsible for the payment of all costs associated with the aforesaid assessment performed by PAPNJ.


3. (a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable, demonstrating that Respondent has failed to comply with any of the recommendations of the PAPNJ;

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting.

4. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct.

5. Failure to comply with the provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Peter Simmons, D.C.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By _____
Albert Stabile, Jr., D.C.
Board President

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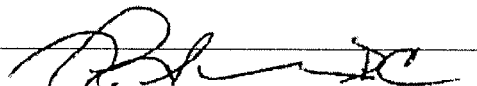
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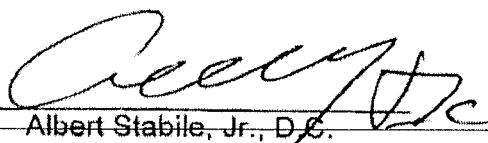
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